

REMARKS/ARGUMENTS

Applicant submits this Amendment and Response to respond to the Office Action dated June 7, 2006. Claims 1, 15, 18, and 22 have been amended and Claim 16 has been canceled without intending to abandon or to dedicate to the public any patentable subject matter. Accordingly, Claims 1-3, 5-15, and 18-30 are now pending.

Claims 15-16 and 18-21 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In the amendments set forth above, Claim 15 has been amended to correct the aspects of that claim found to be indefinite. In view of the amendments to Claim 15, it is submitted that the rejections under 35 U.S.C. 112 of Claims 15 and 18-21 should be reconsidered and withdrawn.

Claims 1-3, 5-15, and 19-30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,104,721 to Hsu (“Hsu”) in view of either U.S. Patent No. 6,862,623 to Odhner et al. (“Odhner”), U.S. Patent No. 6,314,447 to Lea et al. (“Lea”), or U.S. Patent No. 6,484,265 to Borkar et al. (“Borkar”). However, the Examiner has indicated that Claims 16 and 18 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112 and to include all of the limitations of Claim 15. Applicant has amended Claim 15 to include the allowable subject matter of Claim 16 along with further amendments clarifying the second processor load value relative to the dynamically specified second maximum capability of the second computer processor. Accordingly, the rejection of Claims 15 and 18-21 are moot and should be reconsidered and withdrawn.

Independent Claim 1 has also been amended to include claim limitations that are similar to the allowable limitations of Claim 16. Specifically, Claim 1 has been amended to include assigning a task to a second of a plurality of computer platforms, wherein a processor load value of the task plus a first resource load of the first computer platform is greater than a first maximum computer resource availability of the first computer platform and the processor load value of the task plus a second resource load of the second computer platform is less than a second maximum computer resource capability of the second computer platform. Accordingly,

for at least these reasons, the rejection of Claim 1 and the dependent claims therefrom (*i.e.*, Claims 2, 3, 5-14, and 30) should be reconsidered and withdrawn.

Independent Claim 22 has further been amended to include claim limitations that are similar to the allowable limitations of Claim 16. More particularly, Claim 22 has been amended to include a software task allocation unit operable to reference resource amount capabilities of first and second computer platforms in a table and allocate a task having a first processor load value associated therewith to the second computer platform. The task is allocated to the second computer platform when the first processor load value of the task plus a current load value of the first computer platform is greater than the first resource amount capability of the first computer platform and the first processor load value of the task plus a current load value of the second computer platform is less than the second resource amount capability of the second computer platform. Therefore, for at least these reasons, the rejection of Claim 22 and the dependent claims therefrom (*i.e.*, Claims 23-29) should be reconsidered and withdrawn.

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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